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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,529	08/30/1999	BRIAN SHUSTER	SHUS805	1497

7590

04/08/2003

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EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 04/08/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/386,529

Applicant(s)

SHUSTER ET AL.

Examiner

Anita Choudhary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed on January 28, 2003 under 37 CFR 1.312 has been entered.

Claim 1-9 has been cancelled. New claims 10-29 have been added.

Claims 10-29 are presented for examination.

Response to Arguments

Applicant argues that amendments are not shown by cited art. However the newly amended claims lack novelty in view of the already cited art Broadhurst (WO 99/09726) in view of newly cited art Sitbon et al. (US Patent 5951634). Applicant argues that "translation" of a first domain name into a second domain is not shown. Nonetheless the process of parsing shown by Broadhurst inherently involves translation and conversion. Broadhurst shows the process where a first subdomain is determined by the second and top level, and a directory is determined by third level (page 7-8). Broadhurst searches available first domain name's by searching for third level name requested by the client and assigning second and top level as wildcards or in other words searches for any second and top level domain name. Upon finding the availability of a domain name, client proceeds to register that name, for example, "Mercedes.net.au." In this example the client enters Mercedes (third level) and a retrieval system finds an available second and top level (net.au) having the client assigned third level.

Furthermore Broadhurst in view of the Sitbon also shows limitations of claim 13, 15 and 26, including the second level component as a provider domain name and third level component as site name (Broadhurst, fig. 6a), and first subdomain name and client directory resolve to a

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second computer address (Broadhurst fig. 6b) and further the Broadhurst shows the assignments of various levels based on client, provider and Internet standards (page 9).

Drawings

The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings. In unusual circumstances, the formal drawings from the abandoned parent application may be transferred by the grant of a petition under 37 CFR 1.182.

Claim Rejections - 35 USC § 112

Claim 10 and 25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "wherein the first subdomain name is translated from a second subdomain name having a wildcard" is unclear and confusing. It is not understood how the first subdomain is translated "from" a second subdomain. Examiner interprets the word "from" as "into".

Clarification is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broadhurst (WO 99/09726) in view of Sitbon et al (US Patent 5,951,634) hereinafter Sitbon.

In referring to claim 10, Broadhurst shows a system for determining availability of Internet domain names. Broadhurst shows:

A name assignment system for assigning a first domain name where in the first domain name comprises a third, second, and top level component (col. 9 line 8-28)

A domain name server for resolving domain names into computer addresses (inherent to the function of a DNS) wherein the domain name server resolves the second level and top level in to a first computer address (page 6 lines 11-27, page 9 lines 15-23).

A domain retrieval system associated with the first computer address, wherein the domain retrieval system comprises a plurality of redirectors (servers) which includes a parsing mechanism, (page 7 line 26- page 8 line 8) the parsing mechanism being capable of translating the first domain name in to a first subdomain name and a client directory wherein the first subdomain is translated into a second subdomain name having a wildcard, wherein the first subdomain name is determined by the second and top level components of the first domain name for the wildcard of the second subdomain name, and wherein the client directory is determined by the thirdlevel component of the first domain name (page 8 lines 20 – page 9 line 28).

Although Broadhurst shows substantial features of the claimed invention, Broadhurst does not explicitly shows a scheduler for load balancing. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Sitbon.

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In an analogous art, Sitbon shows a system for client and plurality of servers for carrying out requests from client. Sitbon shows the user of a load calculator (scheduler) in the client request retrieval system for load balancing (col. 3 lines 25-67).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of load balancing in order to optimize capabilities in regards to throughput and performance.

In referring to second independent claim, claim 25, in addition to the above, Broadhurst shows the identifying of a second computer address, wherein the second computer address identifies the first subdomain name and transmits data associated with the second computer address to the user (page 9 lines 16-23, fig. 6b, 6c).

In referring to claim 11, Broadhurst shows a system wherein the domain name server further resolves the first subdomain name and the client directory into a second computer address and wherein data associated with the second computer address is provided to the user computer (fig. 6b, 6c, page 9 lines 1-7).

In referring to claim 12, Broadhurst shows resolving the first subdomain before the client directory (page 9 lines 8-15).

In referring to claim 13, Broadhurst shows the third level component of the first domain name as site name of a client and the second and top level of the first domain name as provider domain name (fig. 5a, 5b, page 7 lines 16-25).

In referring to claim 14, Broadhurst shows the first subdomain name comprises a provider domain name (page 6 lines 11-27).

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In referring to claim 15, Broadhurst shows the transmitting of frameset to user computer (fig. 6a).

In referring to claim 16, Broadhurst shows the plurality of provider frames and client frames (fig. 6a, items 602, 606).

In referring to claim 17, Broadhurst shows the data associated with the second computer address is provided to the user computer through the client frame (fig. 6a item 610).

In referring to claim 18, Broadhurst shows the domain name retrieval system comprises a web serve and provider servers (page 5 lines 1-12, fig. 5a).

In referring to claim 19, 28 and 29, Broadhurst shows data storage apparatus connected with web server associated with data about second computer addresses (fig. 3 item 330, page 6 lines 11-27).

In referring to claim 20, Broadhurst shows advertising information is provided to the user computer though the plurality of provider frames (fig. 5b)

In referring to claim 21, Broadhurst shows revenue information provided to user through plurality of provider frames (fig. 6c).

In referring to claim 22 and 23, Broadhurst shows a system wherein the advertising information, revenue information and navigation information are provided to the user computer through the plurality of frames and servers (fig. 6b, 6c).

In referring to claim 24 and 26, Broadhurst shows name assignment system assigns the third level component of the first domain name based on a selection by a client, assigns a second level component of the first domain name bases on provider name associated with the domain

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management system and assigns the top level component based on Internet address standard (page 9 lines 8-23, fig. 6a-6c).

In referring to claim 27, Broadhurst shows where in the second computer address further identifies the client directory (page 6 lines 20-22, page 9 lines 8-13).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The "Report on Electronic Commerce" discloses a domain name assignment system including second and top level domain name as a subdomain and client being able to assign a third level component.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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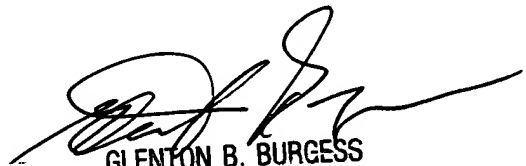
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268.

The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

AC
April 2, 2003



GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100